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EXAMINER

HERNANDEZ, NELSON D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 27, 2008 have been fully considered but they are not persuasive.

The Applicants argue the following:

“Bean, et al. appears to disclose a variable frame rate trigger 128 operated by a user to vary the (input) frame rate of video while video is being captured [0021]. When played at a constant playback speed, the playback frame rate varies as a function of the capture frame rate [0023].

Thus, Bean et al. only discloses that the output frame rate corresponds to the input frame rate. Nothing in Bean et al. shows, teaches or suggests (a) a second image signal supplied from the outside and (b) converting a frame rate of an outside (external) second image signal to the output frame rate of a (input/captured) first image signal as claimed in claims 1 and 5. Rather, Bean et al. merely discloses that the playback frame rate coincides with the capture frame rate.

Tonomura appears to disclose if the driving timing of the CCD imager 1 and the writing timing of the recording reproducing section 3 are made into a 3X frame rate and a time of the reproduction from the recording reproduction section 3 is made into a 1X frame rate, the picture output to the latter part turns into a slow motion image with which the time-axis was elongated three times from the video output terminal 8 [0016].

Thus, Tonomura merely discloses how to record at a first speed and reproduce the recorded signal at a second speed in order to show slow motion. Nothing in Tonomura shows, teaches or suggests converting a frame rate of an outside (external) second image signal into an output frame rate of a (captured/input) first image signal as claimed in claims 1 and 5. Rather, Tonomura merely discloses how to replay a signal stored at one frame rate, and replayed at a second frame rate in order to turn the output picture into a slow motion image.

A combination of Bean, et al. and Tonomura would merely suggest to have the user select the various input capture frame rates as taught by Bean, et al. and to output the captured images at a different frame rate as taught by Tonomura. Thus, nothing in the combination of the references shows, teaches or suggests (a) an outside (external) second image signal and (b) converting the frame rate of the outside second image signal into the output frame rate of the (input/captured) first image signal as claimed in claims 1 and 5. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1 and 5 under 35 U.S.C. § 103."

- The Examiner understands that Bean et al. does not explicitly disclose (a) a second image signal supplied from an outside and (b) converting a frame rate of an outside second image signal to the output frame rate of a (input/captured) first image signal as claimed in claims 1 and 5. Bean teaches supplying plurality of video signals with variable frame rates and generating from those image signals, a monitor image signal (displayed on monitor 152 as shown in fig. 1) by using the first image signal and the second image signal (Page 2, ¶ 0018-0021; page 3, ¶ 0022-0023 and ¶ 0027-0028).

However, said missing limitations as claimed have been addressed with the Tonomura reference.

- The Examiner notes that the claim limitations reads *frame rate conversion means for converting a frame rate of a second image signal supplied from an outside to the output frame rate of the first image signal; and*

signal generation means for generating a monitor image signal by using the first image signal and the second image signal.

- The Examiner understands that the limitations as claimed are met by the Tonomura reference since Tonomura discloses that the supplying a second signal that has a frame rate that is different from the frame rate of the first signal. Thus Tonomura discloses supplying a second signal from an outside to the output frame rate of the first image signal, since the limitations as written can be read as supplying two signals with different characteristics and not necessarily as being supplied from the exterior (external) as argued by teaching adjusting the image signals captured at different frame rates by extending or compressing the video signal so that the complete video signal has a common frame rate for reproduction. By teaching extending a video signal frame rate (i.e. 0.5X to 1X), Tonomura inherently discloses performing addition of a number of frames to the signal with a lower frame rate to compensate for a desired frame rate i.e. 1X) (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021; page 5, ¶ 0025). Tonomura further discloses a frame rate conversion means (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021) for converting a frame rate of a second image signal (having a different rate) to the output frame rate of the first image

signal (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021); and signal generation means (Fig. 1: 6) for generating a monitor image signal by using the first image signal and the second image signal whose frame rates are matched with each other by the frame rate conversion means (See Machine English Translation, Page 3, ¶ 0013 – page 4, ¶ 0021; page 5, ¶ 0025).

- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., supplying the second signal from the exterior or from an external device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- The Examiner understands that the combined teaching of Bean et al. and Tonomura as applied to the independent claims 1 and 5 in the Final Office Action would teach the claims limitations as written.
- Therefore, the Examiner understands that the rejections made to **independent claims 1 and 5** are proper and therefore are maintained.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nelson D. Hernández
Examiner
Art Unit 2622

NDHH
April 11, 2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622